

United States Court of Appeals
for the
District of Columbia Circuit



TRANSCRIPT OF
RECORD

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Court of Appeals, District of Columbia

JANUARY TERM, 1909.

No. 196 **610**

No. 4, SPECIAL CALENDAR.

DISTRICT OF COLUMBIA, PLAINTIFF IN ERROR,

vs.

GEORGE HAUF.

IN ERROR TO THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

FILED NOVEMBER 19, 1908.

Court of Appeals, District of Columbia

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In the Court of Appeals of the District of Columbia.

No. 1966.

DISTRICT OF COLUMBIA, Plaintiff in Error,
vs.
GEORGE HAUF.

a No. 325,949.

In the Police Court of the District of Columbia, November Term,
1908.

DISTRICT OF COLUMBIA
vs.
GEORGE HAUF.

Information for Violation of Bread Ordinance.

Be it remembered, That in the Police Court of the District of Columbia, at the City of Washington, in the said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

1 In the Police Court of the District of Columbia, August Term,
A. D. 1908.

THE DISTRICT OF COLUMBIA, ss:

Edward H. Thomas, Esq., Corporation Counsel, by James L. Pugh, Jr., Esq., Assistant Corporation Counsel, who for the District of Columbia prosecutes in this behalf in his proper person, comes here into Court, and causes the Court to be informed, and complains that George Hauf late of the District of Columbia aforesaid, on the 31st day of August, in the year A. D. nineteen hundred and eight, in the District of Columbia aforesaid, and in the City of Washington, *on — Street, Avenue, Alley, north, south, west, east* did offer for sale loaves of wheaten bread, which loaves did weigh less than sixteen (16) ounces each, in violation of Sections 2 and 4 of an ordinance of the late Mayor, Board of Aldermen, and Board of Common Council of the late Corporation of Washington, entitled "An Act regu-

lating the quality and weight of bread, approved January 7, 1858, and constituting a law of the District of Columbia.

EDWARD H. THOMAS,
Corporation Counsel,
By A. B. DUVALL,
Assistant Corporation Counsel.

Personally appeared Leo S. Schoenthal this 31st day of August, A. D. 1908, and made oath before me that the facts set forth in the foregoing information are true, and those stated upon information received he believes to be true.

[Seal Police Court of District of Columbia.]

J. B. PEYTON,
Deputy Clerk Police Court of the District of Columbia.

[Endorsed:] Col. —. No. 325,949. Information. District of Columbia *vs.* George Hauf. Violation of Police Regulations. Bread Ordinance. Witnesses: Leo S. Schoenthal, Ass't Sealer, D. C. & Officer.

2 In the Police Court of the District of Columbia.

No. 325,949.

DISTRICT OF COLUMBIA
vs.
GEORGE HAUF.

Bill of Exceptions.

Be it remembered that at the trial of this case which came on for hearing on October 21st, 22d, and 27, 1908, before the Honorable Ivory G. Kimball, presiding Judge, the defendant interposed a motion to quash the information filed in said case upon the following grounds, to wit:

1. That the ordinance upon which said information is based is unconstitutional and void.
2. The charter of the late corporation of Washington did not authorize the corporation to pass such an ordinance.
3. The ordinance is invalid and without effect.
4. The ordinance is unreasonable, inconsistent, vague, meaningless and uncertain and cannot be enforced.
5. This court is without jurisdiction upon the Information.
6. The ordinance has been repealed.
7. And because of other reasons which will be presented to the court upon the hearing of this matter.

After hearing argument of counsel on said motion the court, on the 27th day of October, A. D. 1908, ruled as matter of law that the ordinance under which said information is filed interferes with

3 and abridges the right of bakers in the District of Columbia to contract and is, therefore, unconstitutional, and the court thereupon sustained the motion to quash said Information on said ground and ordered the discharge of the defendant.

Whereupon Counsel for the District of Columbia excepted to the said ruling of the Court, which exception was duly noted by the Court upon his minutes, and thereupon the District of Columbia, by its counsel, gave notice in open Court at the time of said ruling of its intention to apply to a Justice of the Court of Appeals of the District of Columbia for a writ of error.

The District of Columbia, by its counsel, therefore prays the Court to settle, sign and seal this its Bill of Exceptions, which is accordingly done now for then this 29th day of October, A. D. 1908.

I. G. KIMBALL,

Judge of the Police Court of the District of Columbia.

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(*Copy of Docket Entries.*)

In the Police Court of the District of Columbia, August Term, A. D. 1908.

No. 325,949.

DISTRICT OF COLUMBIA

vs.

GEORGE HAUF.

Information for Violation of Bread Ordinance.

Wednesday, September 2, 1908.—Continued to Sept. 15.

September 24, 1908.—Motion to quash information filed.

Continued to October 1, 21, 22, 23, 27.

October 27, 1908.—Motion to quash information sustained upon 1st ground of said motion.

Defendant discharged.

Exceptions taken to rulings of the Court on matters of law and notice given by the Assistant Corporation Counsel in open Court at the time of said rulings of his intention to apply to a Justice of the Court of Appeals of the District of Columbia for a writ of error on behalf of the District of Columbia.

October 29, 1908.—Bill of exceptions filed, settled, signed and sealed.

November 5, 1908.—Writ of error received from the Court of Appeals of the District of Columbia.

5 In the Police Court of the District of Columbia.

UNITED STATES OF AMERICA,

District of Columbia, ss:

I, N. C. Harper, Deputy Clerk of the Police Court of the District of Columbia, acting in the absence of the Clerk, do hereby certify that the foregoing pages, numbered from 1 to 4 inclusive, to be true

copies of originals in cause No. 325949 wherein the District of Columbia is plaintiff and George Hauf defendant, as the same remain upon the files and records of said Court.

In testimony whereof I hereunto subscribe my name and affix the seal of said Court, — the City of Washington, in said District, this 19th day November, A. D. 1908.

[Seal Police Court of District of Columbia.]

N. C. HARPER,
Deputy Clerk Police Court, Dist. of Columbia.

6 UNITED STATES OF AMERICA, ss:

The President of the United States to the Honorable I. G. Kimball, Judge of the Police Court of the District of Columbia, Greeting:

Because ~~in the record~~ and proceedings, as also in the rendition of the judgment of a plea which ~~is~~ in the said Police Court, before you, between District of Columbia, Plaintiff, and George Hauf, Defendant, a manifest error hath happened, to the great damage of the said Plaintiff as by its complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Court of Appeals of the District of Columbia, together with this writ, so that you have the same in the said Court of Appeals, at Washington, within 15 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Seth Shepard, Chief Justice of the said Court of Appeals, the 5th day of November, in the year of our Lord one thousand nine hundred and eight.

[Seal Court of Appeals, District of Columbia.]

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

Allowed by

SETH SHEPARD,

*Chief Justice of the Court of Appeals
of the District of Columbia.*

Endorsed on cover: District of Columbia police court. No. 1966. District of Columbia, plaintiff in error, *vs.* George Hauf. Court of Appeals, District of Columbia. Filed Nov. 19, 1908. Henry W. Hodges, clerk.

